

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ANTHONY KENNEY,)	
)	
Plaintiff,)	C.A. No. 12-551
)	
v.)	
)	
CITY OF PITTSBURGH, CHIEF OF POLICE)	
NATHAN HARPER, OFFICER MATTHEW)	
TURKO and OFFICER ROBERT SMITH,)	<u>JURY TRIAL DEMANDED</u>
)	
Defendants.)	

MOTION FOR APPROVAL OF STIPULATION FOR VOLUNTARY DISMISSAL OF
DEFENDANTS CITY OF PITTSBURGH AND CHIEF OF POLICE NATHAN
HARPER PURSUANT TO FED.R.CIV.P 41(1)(a)(2)

The Parties in the above captioned case file this MOTION FOR APPROVAL OF STIPULATION FOR VOLUNTARY DISMISSAL OF DEFENDANTS CITY OF PITTSBURGH AND CHIEF OF POLICE NATHAN HARPER PURSUANT TO FED.R.CIV.P. 41(1)(a)(2):

1. Defendant City of Pittsburgh shall satisfy any judgment entered against Officers Matthew Turko and Robert Smith ("Defendant Officers"), including any award of compensatory or punitive damages, as well as any post-verdict award of attorney's fees, although the City and Harper reserve the right to contest any Motion for Attorney's Fees.
2. In exchange for the agreement to indemnify the Defendant Officers as outlined above, Plaintiff will withdraw all claims against the City of Pittsburgh and against Chief of Police Nathan Harper ("Chief Harper").
3. Further, Plaintiff shall petition to have the names of the City of Pittsburgh and Chief Harper removed from the case caption for purposes of trial.
4. If for any reason there is a retrial of this matter then said trial will proceed

according to this stipulation, with the case and its caption excluding Defendant City of Pittsburgh and Chief Harper as parties for trial.

5. The City of Pittsburgh shall remain a nominal party to this action and, if a verdict is entered against officers then the Court will enter Judgment against the City of Pittsburgh in the amount of any such verdict.
6. The jury shall not be informed or advised of this Stipulation.

WHEREFORE, the Parties request that this Court enter an Order granting this Motion and requiring that all Parties hereto abide the terms and conditions of this Stipulation, which shall have the full effect of law.

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